CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

COURT OF APPEAL
SECOND DIST.
FILED
JAN 13 1995
Joseph Lane, Clerk
Z. Heraldez, Deputy Clerk

GARY LEHTO,
Plaintiff and Appellant,
v.
ALLSTATE INSURANCE COMPANY,
Defendant and Appellant.

B064243
(Super. Ct. No. C682570)
ORDER MODIFYING OPINION
[No Change in Judgment]

THE COURT:*

The first sentence of footnote 12 on page 23 shall be deleted and the following inserted in its place:

> Plaintiff suggests that the holding of *Strauss v. Farmers Inc. Exchange, supra*, is in doubt due to the recent decision of the Court of Appeal in *Hartford Casualty Ins. Co. v. Mid-Century Ins. Co.* (1994) 26 Cal.App. 4th 1783.

There is no change in the judgment.

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* ARMSTRONG, J. GRIGNON, Acting P.J. GODOY PEREZ, J.